IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:09cv352

DEBORAH A. EZZELL,)	
)	
Plaintiff,)	
)	
vs.)	**ORDER OF REMAND**
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on the parties' Assented to Motion

for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. §405(g)

[Doc. 10].

Sentence four of 42 U.S.C. §405(g) provides in pertinent part, "[t]he

court shall have the power to enter, upon the pleadings and transcript of

the record, a judgment affirming, modifying, or reversing the decision of the

Commissioner of Social Security, with or without remanding the cause for a

rehearing." The parties have moved for reversal of the decision of the

Defendant and remand for further administrative proceedings.

Specifically, the parties ask that the Appeals Council (1) consider the

opinion evidence submitted with Plaintiff's request for review of the

administrative law judge's decision and (2) explain its conclusion with respect to that evidence.

Based on the representations of the parties, the Court finds that reversal and remand are appropriate. Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).
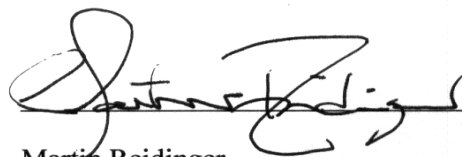
IT IS, THEREFORE, ORDERED that the parties' Consent Motion for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. §405(g) [Doc. 10] is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and the case is **REMANDED**; and

IT IS FURTHER ORDERED that upon remand, the Appeals Council shall (1) consider the opinion evidence submitted with Plaintiff's request for review of the administrative law judge's decision and (2) issue a new decision explaining its conclusion with respect to that evidence.

A Judgment of Remand is entered simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.

Signed: May 31, 2010

Martin Reidinger
United States District Judge

2